

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 13-17, 19 and 21 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 13-21 are now pending in this application.

Claim Rejections under 35 U.S.C. § 102

Claims 13-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,085,477 ("Fujii").

In response, without agreeing or acquiescing to the rejection, Applicant has amended claims 13-17, 19 and 21. Further, Applicant respectfully traverses the rejection for the reasons set forth below.

Applicant relies on M.P.E.P. § 2131, entitled "Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)" which states, "a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Applicant respectfully submits that Fujii does not describe each and every element of the claims.

Independent claim 13 is directed to a sound-volume controlling method. Independent claim 17 is directed to a sound volume controller. Independent claim 19 is directed to electronic equipment comprising a sound volume controller. Independent claim 21 is directed to a computer readable medium that stores therein a computer program for controlling sound volume.

For example, the claimed method includes “specifying an arbitrary first range of steps from a predetermined number of control steps through which a sound volume is to be varied at a first change rate, the predetermined number of control steps corresponding to a predetermined output sound volume control range over which the sound volume may be varied”, “changing the first change rate of the first range of steps to a second change rate lower than the first change rate and changing the first change rate of a second range of the predetermined number of control steps other than the first range of steps to a third change rate higher than the first change rate” and “controlling the sound volume over a range corresponding to the first range of steps based on the second change rate or over a range corresponding to the second range of steps based on the third change rate.” Independent claims 17, 19 and 21 recite similar limitations.

Applicant respectfully submits that Fujii does not disclose, teach or suggest each and every element of the claims. Fujii is concerned with the difference between the recording levels of DVD’s and CD’s and is directed to solving the problem that a user of a reproducing device for reproducing both DVD’s and CD’s needs to adjust the volume level manually when “the DVD is to be reproduced after the CD is reproduced” or vice versa. *See* Column 1, lines 17 to 47. In other words, the object of Fujii’s invention is to make the output volumes of a reproduced CD and a reproduced DVD the same. Fujii discloses, as means for solving this problem, setting a different volume change rate curve over volume set values for each of reproduction of DVD’s and reproduction of CD’s, as illustrated in Fig. 6, and automatically adjusting the output volume depending on whether the medium to be reproduced is a CD or DVD by selecting the correct volume change rate curve (see Fig. 7). As a result, the CD and the DVD reproduced in Fujii would have the same output sound volume curve.

However, Fujii fails to disclose at least specifying “an arbitrary first range of steps from a predetermined number of control steps through which a sound volume is to be varied at a first change rate” as claimed in independent claims 13, 17, 19 and 21. The predetermined number of control steps correspond to a predetermined output sound volume control range over which the sound volume may be varied. Further, Fujii also fails to disclose changing “the first change rate of the first range of steps to a second change rate lower than the first change rate and changing the first change rate of a second range of the predetermined number

of control steps other than the first range of steps to a third change rate higher than the first change rate.” As claimed in independent claims 13, 17, 19 and 21. Accordingly, Fujii cannot teach controlling “the sound volume over a range corresponding to the first range of steps based on the second change rate or over a range corresponding to the second range of steps based on the third change rate.”

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Fujii fails to disclose each and every limitation of independent claims 13, 17, 19 and 21.

Accordingly, Applicant respectfully requests that the rejection be withdrawn and independent claims 13, 17, 19 and 21 be allowed. Further, claims 14-16, 18 and 20 depend from one of claims 13, 17, 19 or 21 and should be allowed for the reasons set forth above.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Fujii.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If

any extensions of time are needed for timely acceptance of papers submitted herewith,
Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes
payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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